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AUG 23 2006

REMARKS

In a Notice of Non-Compliant Amendment dated 4 August 2006, the Examiner states that the Response to a Notice of Non-Compliant Amendment filed on 01 August 2006 is non-compliant with 37 C.F.R. §1.121 or §1.4 because the full text of the withdrawn claim 10 is not included in the Response. In reply, Applicant submits the present Response, which includes the full listing of all original and withdrawn claims and particularly includes the text of withdrawn claim 10. Applicant's remarks submitted in the Amendment of 18 July 2006 are now set forth in full to facilitate the Examiner's entry and consideration of Applicant's reply to the previous restriction requirement.

In an Office Action dated 18 April 2006, the Examiner issues a restriction requirement citing the following allegedly distinct groups: (1) Claims 1-12 and 17-23 drawn to an ophthalmic preparation; and (2) Claims 13-16 drawn to a method.

In reply, Applicant herein elects group (1) comprising claims 1-12 and 17-23, without traverse.

Further in the Office Action, the Examiner requires a species election if Group (1) is elected as the invention. Since group (1) is herein elected, Applicant further replies by electing the species concerning a "single specific glycomacropeptide". At least claims 1-9, 11, 12, and 17-23 are readable on this elected species. The remaining claims 10 and 13-16 are herein withdrawn from consideration. Examination on the merits with respect to elected claims 1-9, 11, 12, and 17-23 is respectfully requested.

Applicant herein reserves the right to pursue any non-elected claims in a separate divisional patent application without prejudice with respect to the present election, amendment, or otherwise.

Applicant hereby petitions under 37 C.F.R. §§1.136, 1.137 for any extension of time necessary for entry and consideration of the present Response.


If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

The Examiner is invited to contact Applicant's attorneys at the below telephone number regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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Date: 23 August 2006